

**Village of Sleepy Hollow
Planning Board Meeting - APPROVED
April 18, 2013**

The meeting was called to order at 8:00pm by Eliot Martone, Chairman.
The Chair noted that a quorum was present.

Present: Ed McCarthy
 Eliot Martone, Chairman
 Nicholas Cicchetti
 Anthony DelVecchio
 Isabel Mendez
 Hugh Jones, Deputy Chairman
 Penny Herbert

Absent: Janet Gandolfo (Village Attorney)
 Mary Gerlanc (Recording Secretary)

Also Present: Sean McCarthy (Village Building Inspector)
 Dolph Rotfeld (Dolph Rotfeld Engineering/Consulting Engineer)
 James Natarelli (Dolph Rotfeld Engineering/Consulting Engineer)
 David Smith (VHB Engineering/Village Planners)

Announcements - The Chair announced that the Planning Board had received a letter from the Open Door Family Medical Center stating they have withdrawn their application from the Planning Board and Zoning Board and that item would not be on the agenda at this meeting.

Proposed Agenda:

1) Organizational meeting		
2) The Salvation Army of Greater New York	90 Valley Street	Public Hearing
3) Open Door Family Medical	1 New Broadway	Withdrawn
4) C.A.R.S. Inc.	333 No. Broadway	Discussion
5) Approval of Minutes		March 21, 2013

1) Organizational meeting

Eliot Martone introduced himself as the new Chairman for the Planning Board.
The Chair made a motion to reappoint Hugh Jones as Deputy Chair for the Planning Board.
Isabel Mendez seconded the motion.
Vote: 7 - 0

The Chair also stated that the following consultants were present:

- David Smith, VHB Engineering – Village Planners
- Dolph Rotfeld & James Natarelli, Dolph Rotfeld Engineering – Consulting Engineers
- Sean McCarthy – Village Building Inspector

2) The Salvation Army of Greater New York

90 Valley Street

Public Hearing

The Chair read the public hearing notice into the record.

Michael Stein, engineer from Hudson River Engineering represented this application along with Neil Alexander, attorney, from Cuddy and Feder.

Mr. Stein stated the Salvation Army, which is currently located on the corner of Valley and Wildey Streets, is in contract to purchase the Frank Chevrolet property located on Valley Street, in order to create a new chapel and community center. Mr. Stein indicated which portions of the property are located in the Village of Tarrytown and stated the Salvation Army will be seeking site plan approval from Tarrytown.

Mr. Stein stated the Village of Sleepy Hollow is responsible for determining the parking requirements for this project. The Salvation Army has received a zoning variance for the parking variances. Based on the Village Code they were required to have 82 spaces but have received a variance for 41 spaces with an additional ten spaces being landbanked, therefore they are providing a total of 31 spaces for the new site.

Mr. Stein also stated the Salvation Army serves the immediate community so there is a very low traffic generation involved. He stated the new building is constructed entirely in the Village of Sleepy Hollow. The existing building will remain while the new structure is being built. Once the new building is complete, the old building will be raised and a new parking area constructed. They are also reducing the amount of impervious surface on the property. He indicated which areas would be landscaped and planted to enhance the property. They have prepared a stormwater emergency plan and submitted this to the Village.

The Chair asked Sean McCarthy if he had reviewed this plan. Mr. McCarthy stated he had and would be forwarding this plan to Dolph Rotfeld Engineering for review. Mr. Stein stated they would send a copy of the stormwater report and the plans to Dolph Rotfeld Engineering.

The Chair asked if there were any questions from the Board.

Hugh Jones stated he was concerned how the Salvation Army would handle it if they needed more parking spaces than the 31 that were shown on the plan.

Michael Stein stated they had landbanked 10 additional spaces that could be used if it was ever determined they would be required. Mr. Stein stated there would also be parking spaces along Valley Street that would be gained by eliminating some curb cuts. The Salvation Army has agreed to do staffing if any holiday events require additional parking.

The Chair asked about the proposed entrance on Wildey Street and the exit on Valley Street. He asked if there was a need to have one way in and another way out.

Mr. Stein replied that if there is only one way in and out, there would be maneuvering that would have to be done if someone pulls in at the same time someone is trying to exit. He also stated the exit would be on Valley street which is a one-way street and to a light at a controlled intersection.

The Chair asked if Mr. Stein knew the number of parking spaces on Valley Street with the curb cuts versus the number of parking spaces when the curb cuts are closed. Mr. Stein stated they could provide those numbers to the Board.

The Chair asked for a motion to open the public hearing.

Moved: Jones

Seconded: McCarthy

Vote: 7 - 0

PUBLIC HEARING

MARIO BELANICH, 153 North Washington Street, asked why there is a need for another community center when there the Community Opportunity Center is located nearby.

Michael Stein stated the Salvation Army also provides Sunday morning services as well as a meal service afterwards.

SGT. MAJOR JANET HORERA, resident of Sleepy Hollow for 25 years and with The Salvation Army for over 10 years. She stated the Community Center doesn't offer some of the services provided by The Salvation Army such as summer camp and an after-school program. She also stated the Salvation Army is a church and offers those services to the community on Sunday as well as other days.

The Chair asked Sean McCarthy is there were any restrictions in the Village Code regarding competing uses for this type of entity within 250 feet of each other. Mr. McCarthy stated there were no restrictions as far as use.

Mr. Belanich asked if this usage was permitted because one property is in the Town of Greenburgh and the other in the Town of Mt. Pleasant. The Chair stated these properties were not commercial businesses so that portion of the Village Code doesn't apply. Mr. McCarthy stated that this particular use does not fall into the category of food service usage so the 250-foot rule does not apply

Mr. Stein stated there is more of a demand for the Salvation Army and they feel they are not adequately serving the community, therefore the need to expand the chapel/community center to offer more services.

Mario Belanich asked about the church services on Sunday and the amount of parking space that is presently available. He asked if the new church would increase the need for more parking spaces.

Mr. Stein stated the current parking for the chapel and community center is more than adequate for their major service. If there were any overflow parking needed, they would do staffing on site. They also have a van that picks up some of their parishioners.

The Chair stated that a parking study was done and the Zoning Board granted a variance for 41 spaces with 10 spaces being landbanked because they determined that all those parking spaces would not be utilized.

Mr. Stein stated that the 82 spaces were based upon the entire facility being used at one point, which would not occur.

The Chair made a motion to close the public hearing.

Moved: Martone Seconded: DelVecchio

Vote: 7 - 0

Hugh Jones asked if the applicant would return to the Planning Board if they run out of parking because they are so successful at their outreach programs.

Mr. Stein stated that there are 200 seats proposed for this chapel. He stated there wasn't a usage of the site that would dictate more parking spaces. If there was a need for more spaces, they can always use the ten spaces that are landbanked.

Nicholas Cicchetti commented that the applicant legally conforms to parking but realistically the parishioners could park in other areas such as Walgreen's parking lot. There are plenty of options in the area where people could park if they needed to attend the service.

Mr. Stein stated they had broken down 3 scenarios as far as what the actual parking requirements would be in the Village:

- If only the chapel is in full use, that would require 31 spaces based on the Village Code.
- If the administrative offices and classrooms are in use, that would require 26 spaces based on the Village Code.
- If the multi-purpose room, dinner events or sports are occurring, then 38 spaces are required per Village Code.

The Salvation Army has 31 spaces with 10 that are landbanked so based on the Code, with the usages that are happening, they would need 41 spaces.

The Chair asked how close the exit was to the stop line on Valley Street and would that create a traffic situation for cars exiting the parking lot.

Mr. Stein stated that exit was approximately 40 feet from the stop line.

The Chair asked the applicant to provide the exact distance to that stop line in addition to the number of parking spaces currently on Valley Street and the number of spaces with the changes to the proposed curb cut.

The Chair asked Sean McCarthy what would be the policy for the applicant pending submission of these requirements for the Board.

Mr. McCarthy stated the public hearing was closed and the Building Dept. would be working with the applicant and the Village's consulting engineer to have the applicant revise their submission to include the information requested by the Planning Board.

David Smith stated they would do the SEQR and the Findings of Fact at the next meeting and they would draft a resolution for the Board's review.

The Chair also mentioned the applicant make their stormwater submission to Dolph Rotfeld's office.

3) Open Door Family Medical	1 New Broadway	Withdrawn
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See announcements above.

4) C.A.R.S. Inc.	333 No. Broadway	Discussion
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The applicant did not appear for this application. Sean McCarthy stated he would contact the applicant and find out the status of the application.

Anthony DelVecchio asked if the painting exhaust system was in place.

Sean McCarthy stated that the applicant had been using the painting spray booth but the exhaust system was not in place.

The Chair asked if the applicant had received a cease and desist notice for this process. Mr. McCarthy stated they had.

Nicholas Cicchetti asked Mr. McCarthy if the applicant had received an approval from the NYSDEC. Mr. McCarthy stated the applicant had not received those approvals yet. There was a list of items the applicant's engineer had to submit for NYSDEC approval and the Board was waiting to hear if they had obtained that approval.

Isabel Mendez asked if the applicant was being fined for illegally painting. Mr. McCarthy stated the applicant had been stopped from painting cars.

Hugh Jones asked if there was anyone else in the village painting cars, legally or illegally. He stated there was a question of equity if someone else is painting cars legally or illegally in the Village.

Sean McCarthy stated if someone were found to be painting cars illegally, they would be issued a cease and desist order and required to appear before the Planning Board for approval.

Mr. McCarthy stated that Bert's Auto Body had an existing non-conforming status and an approval from Westchester County that was grandfathered in. Westchester County frequently inspects Bert's to monitor the exhaust system. Bert's is not a case in violation.

The Chair stated that if Bert's Auto Body were going into this business today, then they would have to comply with the existing statute and apply for the special permit.

Hugh Jones asked if C.A.R.S. is asking to apply for the same usage as Bert's Auto Body. The Chair stated that C.A.R.S. couldn't ask to be grandfathered; they can only ask for permitted use and meet today's standards.

Hugh Jones asked how the Planning Board could approve this painting process when C.A.R.S. is directly next door to a residential neighborhood.

The Chair stated the applicant would have to make a strong case to the NYSDEC, Westchester County DOH and the Village that their filtration system would not be emitting toxic fumes that would affect the residents.

The Chair stated he has questions over the applicant's statement regarding the prevailing winds. He would like to see studies as to the direction of the prevailing winds in that area. He would not be willing to give the applicant a public hearing until they file with NYSDEC and the County.

Mr. McCarthy stated this Board has to look at this application from an overall planning standpoint; that this is a business that does automotive repair and wants to add this additional element to a non-conforming site that already has no parking, no storage and no place for vehicles.

Penny Herbert asked if it was up to the Board to determine if this business should be in that area, then why is the Board making the applicant apply for special permits. They should just make the decision now.

The Chair stated that a decision depended on the findings from the NYSDEC and the County. The applicant would also have to show where the paint will be stored and where they will park the vehicles that are being repaired. The Board wants to make sure the applicant complies with the State and the County before they take on the other issues.

5) Approval of Minutes

March 21, 2013

The Chair asked for a motion to approve the minutes.

Moved: Cicchetti Seconded: DelVecchio

Vote: 6 – 0 Abstained: Martone

The Chair asked for a motion to adjourn the meeting.

Moved: Jones Seconded: Mendez

Vote: 7 - 0

The meeting was adjourned at 8:47pm.